

REMARKS

Claims 1, 11-13, 16 and 22-28 are now pending in the application. Claims 1, 11, 13 and 25 have been amended and support may be found in the specification as filed. No new matter has been added.

Rejections Under 35 USC 102(b)

The Office Action rejected Claims 1, 11-13, 16 and 22-28 under 35 USC 102(b) as being anticipated by Trocki et al. (hereinafter "Trocki"). This rejection is respectfully traversed.

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. *See Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Claim 1 has been amended and is directed to a syringe having:

a plunger including

a cylindrical wall "extending in a longitudinal direction" and having a circumferentially continuous inner surface and an outer surface, the inner surface defining a retaining shoulder formed "in a radial direction" and extending along the circumference of the cylindrical wall; and

a plurality of inwardly projecting flanges “extending rearwardly from the retaining shoulder” and fixedly disposed on the circumferentially continuous inner surface of the cylindrical wall, wherein the plurality of inwardly projecting flanges extending “a length” in a longitudinal direction and “are fixedly connected along the length to the cylindrical wall,”

wherein the inwardly projecting flanges are continuously supported in the longitudinal direction by the circumferentially continuous inner surface of the cylindrical wall,

wherein the outer surface is defined by a wall that is planar in axial and annular directions.

The Office Action alleges that:

Trocki discloses in figures 52A-C and paragraphs [0312-0313] a fluid injection system comprising an injector, a housing, a drive member (2702) having a retaining member (2764) and outwardly extending flange members (2765); a syringe, a plunger (2708) having a cylindrical wall with an inner and outer surface, the inner surface being circumferentially continuous, a retaining shoulder on which a plurality of inwardly projecting flanges are disposed (see annotated Figure 52C below) which engage with the flange members to enable the drive member to retract the plunger within the body of the syringe.

However, Trocki does not disclose the novel structural features of Applicants’ invention, including in particular:

1. There is no cylindrical wall “extending in a longitudinal direction” and having a continuous inner surface and outer surface. Rather the segmented flap member 2764 has flaps 2765 that are attached together into a ring like formation at each of the flaps inner. Thus, there is a discontinuous surface formed member 2764.
2. There is no “retaining shoulder” formed in a radial direction and extending along the circumference of the cylindrical wall. Not only is there no retaining shoulder as suggested in Figure 52C, but the surface disclosed is a smooth inner surface, extending along the circumference, without extending in a

radial direction .

3. There are no inwardly projecting flanges that extend “rearwardly from the retaining shoulder” and are fixedly disposed on the circumferentially continuous inner surface of the cylindrical wall. Also, there are no inwardly projecting flanges that extend a “length” in a longitudinal direction “and are fixedly connected along the length to the cylindrical wall.” In fact, the Office Action alleges that in Fig 52C that there are inwardly projecting flanges, however, these are merely tiny sprues left over from the molding process.
4. There is no “outer surface” defined by a “continuous wall that is planar in the axial and annular direction.”

Accordingly, Trocki fails to disclose many of the structure features of Claim 1. Therefore, reconsideration is requested.

Claim 13 is directed to a system that includes a plunger and has been amended to include similar subject matter to that of Claim 11. However, Trocki does not disclose these structural features, namely:

1. There is no cylindrical wall “extending in a longitudinal direction” and having a continuous inner surface and outer surface. Rather the segmented flap member 2764 has flaps 2765 that are attached together into a ring like formation at each of the flaps inner. Thus, there is a discontinuous surface formed member 2764.
2. There is no “retaining shoulder” formed in a radial direction and extending along the circumference of the cylindrical wall. Not only is there no retaining shoulder as suggested in Figure 52C, but the surface disclosed is a smooth inner surface, extending along the circumference, without extending in a radial direction .
3. There are no inwardly projecting flanges that extend “rearwardly from the retaining shoulder” and are fixedly disposed on the circumferentially continuous inner surface of the cylindrical wall. Also, there are no inwardly projecting flanges that extend a “length” in a

longitudinal direction “and are fixedly connected along the length to the cylindrical wall.” In fact, the Office Action alleges that in Fig 52C that there are inwardly projecting flanges, however, these are merely tiny sprues left over from the molding process.

There is no drive member having a “retaining member” that engages with the retaining shoulder.

4. There are no “outwardly extending flange members” that cause any retaining members on the drive member to disengage.

Accordingly, Trocki does not disclose all of the structural elements of Applicants’ invention. Therefore, reconsideration is requested.

Regarding Claim 25, Claim 25 has been amended to include that the inwardly projecting flanges extend “rearwardly from the retaining shoulder.” However, Trocki does not disclose this feature or that the inwardly projecting flanges include a proximal and distal end in which “the distal end connects to the retaining shoulder and the proximal end connects to the cylindrical wall. Accordingly, Trocki fails to disclose the structure features of Claim 25. Therefore, reconsideration is requested.

Further, regarding Claim 11, 12 and 16, Claim 11, 12 and 16 depend from Claims 1 or 13, which as discussed are believed to be allowable. Also, Claim 11 includes that the flanges are radially spaced along the circumferentially continuous inner surface, which is not disclosed by Trocki. Accordingly, Claims 11, 12 and 16 are also believed to be allowable. Reconsideration of Claims 1, 11-13 and 16 is requested.

Regarding Claims 22-24 and 26-28, Claims 22-24 and 26-28 are not disclosed by Trocki and therefore should be allowable. Further, Claims 22-24 and 26-28 depend from either Claim 1 or 25, which as discussed are believed to be allowable, thus Claims 22-24 and 26-28 are also believed to be allowable. Reconsideration is requested.

In view of the above amendments and remarks, Applicant submits that the claims are in condition for allowance. Notice to that effect is hereby requested.

Respectfully submitted,

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